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October 18, 2022

By ECF

The Honorable Denise Cote
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Request for Adjournment of Pretrial Conference
Pena v. Cajun Express, Inc. and Vista Yacht Cruises, Inc.
SDNY Civil Action No. 22-cv-1125-DLC
Our Ref: 35240

Dear Judge Cote:

We represent Defendant Vista Yacht Cruises, Inc. ("Vista") in the above-referenced action and write to respectfully request that the Pretrial Conference presently scheduled for October 28, 2022 be adjourned to a date of the Court's convenience in December.

We request such an adjournment because, to our knowledge, Plaintiff has not yet served Defendant Cajun Express, Inc. ("Cajun") with his First Amended Complaint (Dkt. #15). In fact, it appears that Plaintiff has not yet requested that the Clerk issue an amended summons via ECF. We respectfully submit that, as matter of efficiency and fairness to Vista's co-defendant, the negotiation of a proposed discovery order (which was already done once prior to Plaintiff filing his First Amended Complaint to join Cajun as a party) and the submission of a Rule 26(f) report should be done after service has been effected to provide Cajun with an opportunity to appear and participate.

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We have conferred with Plaintiff's counsel and they consent to the adjournment of the conference. VISTA is presently available to appear on any succeeding Friday in December.

We thank the Court for its consideration of the foregoing and stand ready to answer any questions that the Court may have with respect to Vista's adjournment request.

Respectfully submitted,

HILL RIVKINS LLP

Charles M. Henderson, III

Charles M. Henderson, III

Cc: All counsel of record (via ECF)

*The plaintiff shall show cause by Friday,
Oct. 28, why the claims against Cajun
should not be dismissed for failure to
timely serve Cajun.*

*The October 28 conference is adjourned
to December 2 at 3³⁰ pm.*

*Heather Cole
10/14/22*